SECRET

CLANDESTINE SERVICES INSTRUCTION NO. 10-5

CSI NO. 10-5
SECURITY
Revised 17 July 1958

COVERT APPROVALS AND RELATED MATTERS

Reference: CSI-F No. 10-5, 17 July 1958

Rescission: CSI No. 10-5, 31 January 1955

CONTENTS

1. PURPOSE

This instruction describes the functions of headquarters components with regard to covert approvals and related matters which are the subject of CSI-F No. 10-5.

2. GENERAL

a. The Chief, Counter Intelligence Staff, is delegated authority to act for the Deputy Director (Plans) in the exercise of all functions which are the latter's responsibility with regard to the granting of Operational Approvals and Provisional Operational Approvals.

b. The Director of Security has designated the Deputy Director for Investigations and Operational Support, Office of Security, to represent him in discharging the functions which are reserved to him with regard to the granting of Covert Security Approvals, Provisional Covert Security Approvals, Proprietary Approvals, and Provisional Proprietary Approvals.

c. It is the basic intent of both components that sensitive operational data shall remain within the custody and knowledge of the Clandestine Services, and that sensitive security investigative data shall remain in the custody and knowledge of the Office of Security. It is recognized, however, that such data may be necessary for proper performance by either component and, consequently, where necessary, it shall be made available or shall be discussed to the extent necessary.

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3. INVESTIGATIONS

The function of performing all investigations in the United States in connection with approval matters, except for the check of certain Agency records, is reserved to the Office of Security.

4. OPERATIONAL APPROVALS

a. The assembly and analysis of all file material (including the files of the Records Integration Division) in the Clandestine Services will be accomplished by professional personnel of the interested operating divisions under the technical supervision of the Counter Intelligence Staff and subject to spot check by the Counter Intelligence Staff. Certification will be made in each case by a responsible official of the requesting division that the material furnished is complete and accurate.

b. The requesting division will assemble any biographical data; information of investigative or security significance (such as additional names the subject may have used); information relating to character, reputation, politics, or other activities, favorable and unfavorable information or comments; background information; PRQ Part I or its equivalent (in duplicate); and field traces. Any information previously furnished by the subject concerning himself (such as a personal history statement, records of activities or employments, memberships in organizations, etc.) will be furnished verbatim. All pertinent information thus produced--including that resulting from technical interrogations, personal observation, field investigations, etc.--will be furnished to the Counter Intelligence Staff for necessary transmission to the Office of Security. It is also necessary to forward PRQ Part II to the Counter Intelligence Staff before an Operational Approval will be issued. The Counter Intelligence Staff will not forward PRQ Part II to the Office of Security. In rare, complicated, or sensitive cases the Office of Security, in coordination with the Counter Intelligence Staff, may wish actually to review the material of the Records Integration Division. A brief practical statement of the scope, nature, and geographical area of the proposed usage of the subject will be furnished to the Office of Security along with the other data.

c. The requester should also furnish to the Counter Intelligence Staff for transmission to the Office of Security any suggestions regarding the investigation to be conducted and any particular points to be emphasized in the investigation, such as special skills, abilities, and weaknesses of the subject. The requester should also indicate what would be the most plausible type of cover (i. e., general Government or commercial) to be employed in the conduct of the investigation and whether the subject has been briefed as to the fact of a pending investigation and, if not, why this is not feasible.

d. Following appropriate investigation and analysis of a case, the Office of Security will forward its recommendation to the Counter Intelligence Staff, with the investigative data enclosed. Upon receipt of this material

the Chief, Counter Intelligence Staff, or his designee, will, if the Office of Security does not recommend against the use of the individual, determine whether an Operational Approval should be granted and will notify the Office of Security of its decision. However, in the event the Office of Security recommends against the use of an individual and the Clandestine Services still desires, on a calculated risk basis, to use the individual, the Counter Intelligence Staff will inform the Office of Security of this fact. In this event, the Counter Intelligence Staff and the Security Support Division will endeavor to arrive at an agreed position and, to this end, the former will hold the granting of the Operational Approval in abeyance until five days have elapsed after the Office of Security has been advised of this intention. The Counter Intelligence Staff will notify the Office of Security whenever it has:

(1) Granted an Operational Approval or a Provisional Operational Approval.

(2) Cancelled an Operational Approval.

e. In Operational Approval cases the Office of Security will forward investigative reports, name check results, etc., to the Counter Intelligence Staff. In extremely sensitive cases, however, particularly those in which the security or good of the Agency as a whole is involved, the Office of Security will not be obliged to furnish all investigative material. In such cases the Office of Security will inform the Counter Intelligence Staff that such material has been withheld and will, upon request, discuss the matter with the Chief, Counter Intelligence Staff, or other appropriate official of the Clandestine Services.

f. A Provisional Operational Approval may also be requested where circumstances warrant. A search of the indices of the Agency, including those of the Office of Security, is a minimum requirement for issuance of a Provisional Operational Approval.

g. Whenever interest in an individual under consideration for either an Operational Approval or a Provisional Operational Approval is terminated for any reason, the requester, in order to prevent needless processing, will notify the Counter Intelligence Staff promptly so that the latter may in turn advise the Office of Security.

5. COVERT SECURITY APPROVALS AND PROPRIETARY APPROVALS

a. All background material will be assembled by the interested divisions and will include any biographic data; information of an investigative or security significance; information relating to character, reputation, politics, past employment, residences, and other activities; favorable and unfavorable information; PRQ Part I or its equivalent (in duplicate); and field traces. This material is forwarded directly to the Office of Security in its original form. (Traces need not be obtained from the Records Integration Division; see paragraph 5.b., below.) A brief practical statement of the scope, nature, and geographical area of use of the subject will also

be furnished to the Office of Security. The requester should also furnish to the Office of Security any suggestions regarding the investigation to be conducted and any particular points to be emphasized in the investigation, such as, special skills, abilities, and weaknesses of the subject. The requester should also indicate what would be the most plausible type of cover (i. e., Government or commercial) to be employed in the conduct of the investigation and whether the subject has been briefed as to the fact of a pending investigation and, if not, why this is not feasible.

b. In Covert Security Approval or Proprietary Approval cases, the files of the Records Integration Division will be searched by representatives of the Office of Security. All files of the Records Integration Division, except those portions containing specific sensitive operational data, will be made available to the representatives of the Office of Security. In those instances where a document of interest contains sensitive operational data, designated professional personnel within the operating division will review that portion of the information and furnish therefrom to the representatives of the Office of Security all information of the nature described in paragraph 5.a., above. The Office of Security will conduct appropriate investigation in each case and will issue or deny Covert Security Approvals and Proprietary Approvals, and Provisional Covert Security Approvals and Provisional Proprietary Approvals.

c. The Office of Security will retain the investigative files in Covert Security Approval cases or Proprietary Approval cases, but will:

(1) Make available to the Counter Intelligence Staff any significant information in cases where Covert Security Approvals or Proprietary Approvals are granted.

(2) Immediately call to the attention of the Counter Intelligence Staff any new evidence in Covert Security Approval or Proprietary Approval cases that reflects the subject's connection with a foreign government, the Communist Party, or any front organization of the Communist Party.

d. Where the Office of Security issues or denies a Covert Security Approval or a Proprietary Approval, formal notification will be directed to the requester. In the case of disapproval one copy of the security disapproval will be forwarded to the Counter Intelligence Staff. Where a Covert Security Approval or Proprietary Approval is denied and the Clandestine Services still desires to use the subject on a calculated risk basis, the Office of Security will, upon request, furnish to the Counter Intelligence Staff a summary of the investigative data. Thereafter, the Counter Intelligence Staff, the requester, and the Security Support Division will attempt to reach an agreed position.

e. A Covert Security Approval or a Proprietary Approval may be preceded by a Provisional Covert Security Approval or a Provisional Proprietary Approval.

f. Unless otherwise designated by the Office of Security, investigative data in either Operational Approval or Covert Security Approval cases involving aliens may be shown to proper offices of the division and may, if deemed necessary by the division, be forwarded to the field. The dispatch or cable in such cases will be coordinated with the Counter Intelligence Staff and the Office of Security. No investigative data will be transmitted or disclosed to other than Agency staff officials without the specific prior approval of the Office of Security. The need-to-know principle will be applied strictly in such cases. No investigative data regarding United States citizens will be transmitted to the field without the specific prior approval of the Counter Intelligence Staff and the Director of Security and subsequent to such approval without coordination with the Office of Security on the dispatch or cable involved.

6. COVERT SECURITY APPROVALS FOR LIAISON WITH UNITED STATES OFFICIALS

Requests for Covert Security Approvals for Liaison with U. S. officials, whether such officials are in the United States or abroad, will be transmitted directly to the Office of Security. Each request shall be specifically indicated as a request for a Covert Security Approval for Liaison. The request shall be accompanied by all available biographic information, to include wherever possible in cases of civilian employees of United States Government agencies the name, date and place of birth, the employing agency, and the position and assignment of the person involved. In cases involving military personnel the minimum biographic information required shall consist of the name, date and place of birth, rank and serial number, and the parent service. In each case the details of the liaison with the individual must be set forth.

7. SERVANTS OF AGENCY EMPLOYEES

Requests to headquarters for appropriate checks on domestic personnel employed in the homes of Agency employees overseas shall be forwarded by the requester to the Office of Security accompanied by all available biographical information and the results of overseas investigations.

8. EMPLOYEES OF OTHER U.S. GOVERNMENT AGENCIES

Proper clearance of staff or contract employees (including indigenous employees) of other U.S. Government agencies for operational use includes notification to and approval by the employee's parent agency in Washington. Requests for clearance will be forwarded to the Chief, Counter Intelligence Staff, Attention: CI/Liaison. Clearance will not be given until the approval of the parent agency has been obtained. If, after such approval is obtained, it is decided that the employee will not be used as requested, or upon termination of use, CI/Liaison will be notified so that the employee's parent agency may be advised.

9. EMPLOYEES AND OFFICIALS OF FOREIGN SERVICES

Requests for searches of the indices of other United States agencies or the Office of Security, or investigation of employees or officials of foreign

intelligence services with whom Agency employees maintain liaison, shall be forwarded by the requester to the Counter Intelligence Staff for processing to the Office of Security. Such requests shall be transmitted with complete results of field traces, all available biographical information, and a statement as to the service which the subject represents.

10. NOTIFICATION OF TERMINATION OR DISCONTINUANCE OF COVERT SECURITY APPROVALS OR PROPRIETARY APPROVALS

The Office of Security shall be promptly advised by the requester of the discontinuance of interest in or termination of employment or use of a person on whom a Covert Security Approval or Proprietary Approval has been requested or granted.

11. SPECIAL SERVICES

a. Requests for Covert Name Checks and Special Inquiries will be transmitted to the Office of Security through the Counter Intelligence Staff. Each request shall indicate the reason for the inquiry, shall specify the exact action required, and shall contain all available background and/or biographical information concerning the subject.

b. In the case of Special Inquiries, the request should also indicate what would be the most plausible type of cover (i. e., general Government or commercial) to be employed during the inquiry and any other information which would provide guidance as to the conduct of the investigation.

12. DOUBLE AGENTS

The operational decision authorizing the doubling of an agent of a foreign power will be coordinated with the Counter Intelligence Staff even though no Operational Approval or Provisional Operational Approval is required.

13. DEFECTION AND RECRUITMENT IN PLACE

No attempt to defect or recruit in place (a) a member of the Communist Party or (b) a government official of a denied area country shall be made in the United States without prior coordination with the Counter Intelligence Staff which will immediately inform the Director of Security and such other United States agencies as may be appropriate.

Richard Helms
Deputy Director (Plans)

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DDO INSTRUCTION
NO. 50-10

OPERATIONS-GENERAL
4 September 1973

RESTRICTIONS ON OPERATIONAL USE OF CERTAIN CATEGORIES OF INDIVIDUALS

Rescission: CSI 50-10, 13 July 1970

1. GENERAL

a. Elemental in the conduct of clandestine operations is the use of human agents to accomplish the missions of the Operations Directorate. In general, it is DDO policy to select agent assets with primary regard to the agents' abilities, target access, and security, and with few restrictions as to their origins, professions or status as members of particular groups. The basic rule is that any consenting adult may be used by the Operations Directorate. There are, however, certain sensitive categories of individuals or groups whose operational use by the Operations Directorate is prohibited or in some way restricted for reasons not necessarily related to security considerations.

b. These prohibitions or restrictions stem from one of the following:

(1) The Agency has been directed by U.S. Governmental authority to restrict or avoid the operational use of a particular category of individuals.

(2) The Agency has entered into a special restrictive agreement with an organization, government, corporation, or official responsible for a category of individuals.

(3) The Director or the Deputy Director for Operations has imposed restrictions on the operational use of a certain category of individuals due to the extreme risk or sensitivity of such exploitation.

2. PURPOSE

The purpose of this instruction is to set forth the prohibitions and policy restrictions (as distinguished from security restrictions) which currently pertain to the operational use of various categories of individuals, together with the special approval procedures to be followed in certain cases. Where appropriate, reference has been made to another publication which provides more detailed guidance than has been attempted in this instruction. The special approval procedures set forth in this instruction do not supersede or alter in any way the requirements for covert approvals contained in DOI and DOI-F 10-5.

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3. DEFINITIONS

Within the context of this instruction, the definitions listed below will apply. Special note must be taken of the fact that the key term "operational use" employed throughout this instruction has been defined in the most succinct manner consistent with clarity. It has not been feasible, however, to cover in a definition the entire scope of possible variations in operational circumstances which may be encountered in DDO activities. The definition of "operational use" is intended to provide guidance for the majority of cases, and must be employed with responsible operational judgment. Issues involving a determination of "operational use" which cannot be resolved with reasonable assurance by the responsible operating components will be referred to the Deputy Director for Operations for decision.

a. *Operational Use*
Operational use is interpreted to mean the recruitment, utilization, or training of any individual or group for DDO purposes on either a witting or unwitting basis by or on the behalf of an element of the Operations Directorate. Utilization is made of an individual or group whenever that individual or group, responding to the direction or solicitation of a DDO element, provides information, performs services, provides cover, or supplies financial, material, or other support necessary for the accomplishment of DDO operational objectives either directly or indirectly, to or for an element of the Operations Directorate.

b. *DDO Element*
Any person or group who or which is responsible to, owned or controlled either directly or indirectly by the Operations Directorate. Included under this definition are employees or members of Agency proprietary mechanisms.

c. *Operational Contact*
Any association having as its purpose the initiation or furtherance of DDO operations.

4. RESTRICTIONS ON OPERATIONAL USE

a. Restrictions on the operational use of individuals or groups are of four types and cover twenty five separate categories as outlined below and as described in greater detail in paragraphs 5 through 8 of this instruction:

(1) *Operational Use is Prohibited* (see paragraph 5):
   (a) Members and trainees of ACTION; 99
   (b) Fulbright grantees; 99

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(c) Officials or employees of the International Association for Cultural Freedom; ? ?

(d) Officials, employees, or grantees of the Ford, Rockefeller and Carnegie Foundations; ? ?

(e) Employees of U.S. private detective investigative agencies. ? ?

(2) *Operational Use Requires Special Extra-Agency Concurrence* (see paragraph 6): AND APPROVAL OF SA/ADDO.

(a) Employees of other U.S. Government agencies;

(b) DDO agents or assets in the United States;

(c) Agents and human sources of foreign intelligence registered by other U.S. agencies;

(d) Citizens (or persons documented as citizens) of Australia, Canada, the United Kingdom (including its overseas dependent territories) and New Zealand; ? ?

(e) Citizens of Norway, West Germany and The Netherlands;

(f) Merchant seamen on ships of certain countries.

(3) *Operational Use Requires Special Approval by the DDO* (see paragraph 7):

(a) Publishers, producers, journalists or employees of public information media;

(b) CARE employees;

(c) Individuals engaged in public relations activities;

(d) Officials, representatives, or employees of Communist countries in the United States;

(e) Foreign delegates or employees of the United Nations assigned in the U.S. and U.S. citizen delegates or employees wherever assigned; ? ?

(f) Staff members or officials of Red Cross societies;

(g) Officials of the Vatican State;

(h) U.S. Government-funded professors, lecturers, students or grantees;

(i) Members of educational or private voluntary organizations;

(j) Officials or employees of the African-American Institute;

(k) Volunteers to America.

(4) *Operational Use Requires Approval by Chief of Area Division* (see paragraph 8):

(a) Citizens or alien residents of the U.S. in denied areas;

(b) Non-U.S. citizen delegates or employees of United Nations organizations not assigned in the U.S.; ? ?

(c) Members of the academic community.

b. Operational use of an individual who comes under more than one type of restriction will be controlled by the highest type of restriction applicable in his particular case.

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5. OPERATIONAL USE PROHIBITED

a. *Members and Trainees of ACTION*

(1) It is Agency policy that members and trainees of ACTION will not be used in any capacity, with or without remuneration, by the Agency or by organizations under its jurisdiction. (The term "members of ACTION" will be understood to mean anyone employed by or associated with ACTION except trainees.)

(2) It is Agency policy that former members of ACTION may be employed or used by the Agency or by organizations under its jurisdiction only in accordance with the following:

(a) Except as stated in (b) below, a former member of ACTION may be employed or used operationally by any element of the Agency only if a period of five full years has elapsed since his separation from ACTION.

(b) An Agency-controlled organization may hire a former member of ACTION but only for duties related to the overt purposes of such organization, if a period of at least twenty-four months has elapsed since his separation from ACTION.

(c) The employment or use of a former member of ACTION under the provisions of subparagraph (a) or (b) above must have the specific prior approval of the Deputy Director for Operations.

(3) Former trainees whose ACTION service included duty or training overseas are subject to the rules governing employment or use of former members of ACTION (subparagraph (2) above). Former trainees who did not serve at any time as members of ACTION and whose ACTION service did not include duty or training overseas may be employed or used operationally by DDO elements provided the specific prior approval of the Deputy Director for Operations is obtained.

(4) A former member or trainee of ACTION whose employment or use is permitted by subparagraph (2) or (3) above may not be assigned to or used in a country for which he had been trained or to which he had been assigned while with ACTION.

(5) Information may be received by the Domestic Collection Division from private corporations and other organizations employing former ACTION personnel, notwithstanding the fact that the information may originate with former ACTION personnel. However, any direct briefing or debriefing of or contact with former members or trainees of ACTION is subject to the following:

(a) The specific prior approval of the Deputy Director for Operations must be obtained.

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(b) If the individual is a former member of ACTION or a former trainee whose ACTION service included duty or training overseas, five years must have elapsed since his separation from ACTION.

If contact with a former ACTION member or a former trainee whose ACTION service included duty or training overseas should be unavoidable during the required five year waiting period, the Deputy Director for Operations may request an exception from the Director of Central Intelligence. Among the possible reasons for such unavoidable contact would be the designation of a former member or trainee as the liaison officer to the Domestic Collection Division.

b. *Fulbright Grantees*

DDO policy prohibits the operational use of individuals who are receiving U.S. Government support under certain provisions (see below) of the Mutual Educational and Cultural Exchange Act of 1961, as amended, commonly known as the Fulbright-Hays Act. Falling under this prohibition are teachers, research scholars, lecturers and students including student artists and student musicians who have been selected to receive scholarships or grants by the Board of Foreign Scholarships appointed by the President of the United States. Operational use of such individuals is prohibited only during the period when they are participating in the educational and cultural exchange program. This prohibition specifically does not apply to the several other categories of grantees supported by other provisions of the Fulbright-Hays Act such as artists, athletes, leaders, specialists or participants at international trade fairs or expositions who do not come under the aegis of the President's Board of Foreign Scholarships (see 7.j., below).

c. *Officials or Employees of the International Association for Cultural Freedom*

DDO policy prohibits the operational use of the officials or employees of the International Association for Cultural Freedom. Contacts with such individuals which DDO officers are obliged to make in their cover capacities must be limited to their cover assignments.

d. *Officials, Employees, or Grantees of the Ford, Rockefeller and Carnegie Foundations*

DDO policy prohibits the operational use of grantees of the Ford Foundation, the Rockefeller Foundation or the Carnegie Foundation or of other persons actively participating in programs which are wholly sponsored and controlled by any of these foundations. Additionally, there will be no operational use made of the officials or employees of these organizations. In general, however, there is no restriction on nonoperational contacts or consultations with such individuals.

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e. *Employees of U.S. Private Detective Investigative Agencies*
DDO policy prohibits the operational use either in the United States or overseas of the employees of any U.S.-owned or -controlled private detective investigative agency. This policy does not apply to operational use of employees of organizations which are engaged strictly in commercial or credit investigations.

6. EXTRA-AGENCY CONCURRENCE REQUIRED

a. *Employees of Other U.S. Government Agencies*
Approval for the operational use of staff or contract (including foreign) employees of other U.S. Government agencies will be granted only in cases where the employee's parent agency in Washington has been notified of and has approved of the intended operational use in accordance with the provisions of DOI 10-5.

b. *DDO Agents or Assets in the United States*
In accordance with the agreement existing between the Federal Bureau of Investigation and this Agency, the restrictions listed below apply to the operational activity of the Operations Directorate conducted in the United States. Coordination with the FBI of appropriate information on DDO operational activities in the United States is the responsibility of the Chief, Liaison Group, Operations Staff.

(1) All investigations by this Agency of foreign officials in the United States require the prior concurrence of the FBI. In this context, the term "investigation" means systematic and direct inquiries or procedures (such as physical or technical surveillances or neighborhood inquiries) aimed at developing information concerning an individual's activities or background; "investigation" does not include the acceptance or the development of information through social contacts or contacts normally made by Agency officials in discharging their cover functions.

(2) Any approach in the United States by a DDO element for recruitment of any foreign official or of any visitor from a Communist country requires the prior concurrence of the FBI.

(3) Any planned meeting in the United States for assessment and social development between a DDO element and a foreign official of known or presumed interest to the FBI or between a DDO element and an official or visitor from a Communist country requires that prior notification be provided to the FBI.

(4) Whenever domestic DDO operations involve matters pertaining to the national security of the United States, appropriate identification of persons engaged in the operations in the United States will be

provided to the FBI. In accordance with this policy, the following categories of DDO assets will be identified to the FBI: DDO personnel, agents of the Operations Directorate who are either U.S. citizens or alien residents, and foreign agents of the Operations Directorate recruited abroad who come to the United States for operational purposes.

c. *Agents and Human Sources of Foreign Intelligence Registered by Other U.S. Agencies*

The Interagency Source Register (ISR) has been established at headquarters to provide for United States Intelligence Board (USIB) agencies a centralized record of agents and human sources of foreign intelligence. A principal purpose of the ISR is to register primacy of interest and prevent multiple recruitment or unintentional duplicate operational use of such agents and human sources. It is USIB policy that no individual registered in the ISR by one USIB agency will be used for operational purposes by any other USIB agency without the specific prior approval of the agency having primacy of interest. If a DDO element desires to arrange the transfer or joint operational use of a registered individual, the ISR will contact the agency having primacy of interest to determine whether there is a willingness to discuss this matter.

d. *Citizens (or Persons Documented as Citizens) of Australia, Canada, the United Kingdom (including its Overseas Dependent Territories) and New Zealand*

(1) The operational use of citizens of the above-named countries (including the overseas dependencies of the United Kingdom) is restricted by agreements with the intelligence or security authorities of such countries which require the prior approval of the appropriate liaison authority. Such approval will be obtained at the earliest feasible stage of development through the European Division (in the case of citizens of Canada or the United Kingdom), or through the East Asia Division (in the case of Australian or New Zealand citizens).

(2) The above restriction also governs the use of false documentation representing DDO staff or agent personnel as citizens of the above-named countries. Approval for the use of such documentation will be sought through the same channels as stated in subparagraph (1) above.

(3) Authority to make operational use of the persons or documentation described in the above subparagraphs without obtaining the prior approval of the liaison authority concerned may be granted only by the Deputy Director for Operations or by the Director.

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e. *Citizens of Norway, West Germany and The Netherlands.*
The operational use of any citizen of Norway, West Germany or The Netherlands is, under certain conditions, contingent on prior approval of the national intelligence service concerned. These countries are particularly sensitive in cases involving the operational use of their citizens who are merchant seamen and who are serving on ships carrying their flags. Each case involving the proposed operational use of a citizen of one of these countries will be reviewed by the Chief of the European Division in the light of the agreements existing between this Agency and the national intelligence service concerned. After weighing all of the equities, the Chief of the European Division will decide whether approval is required from the national intelligence service concerned. When required, approvals for the operational use of such individuals will be obtained from the appropriate national intelligence services by the European Division.

f. *Merchant Seamen on Ships of Certain Countries*
The operational use of merchant seamen, regardless of their citizenship, who are serving on ships carrying the flags of Australia, Canada, the United Kingdom (or its overseas dependencies), New Zealand, Norway, West Germany or The Netherlands is, under certain conditions, subject to provisions of the agreements existing between this Agency and the national intelligence service concerned. Each case involving the proposed operational use of such a merchant seaman will be reviewed by the Chief of the European Division or the Chief of the East Asia Division, as appropriate, in the light of the pertinent interservice agreements. After weighing all of the equities, the Chief of the European Division or the Chief of the East Asia Division will determine the course of action to be taken with regard to the national intelligence service concerned.

7. APPROVAL BY THE DDO REQUIRED

Approval by the Deputy Director for Operations for the operational use of any individual who falls into one of the categories described in this paragraph will be requested by memorandum. The individual's covert approval status will be described in the memorandum to the Deputy Director for Operations, together with a concise explanation of the intended operational use. (In connection with this paragraph, contacts by the Domestic Collection Division with individuals or firms do not require approval by the Deputy Director for Operations provided they constitute merely briefing or debriefing for the purpose of obtaining information acquired by an individual or representative of a firm in the course of his normal activities. If, however, in any case the contact is on behalf of another element of the Operations

Directorate or another agency; or if an individual or firm will be requested to perform an operational task or to deviate from his or its normal pattern of activity; or if the activity, even though consistent with the individual's or firm's normal pattern of activity, will take place because requested or funded by the Domestic Collection Division; that case will be subject to the requirement for approval by the Deputy Director for Operations.)

a. *Publishers, Producers, Journalists, or Employees of Public Information Media* (see DOI 240-6)

(1) Operational use of publishers or producers of public information media requires prior approval by the Deputy Director for Operations whenever there is danger that such activity might serve in any way to influence U.S. public opinion. Such activities include but are not limited to the publishing of books, newspapers, or magazines, the making of films, the production of TV or radio programs or the issuance in the United States of any public opinion influencing information media. The operational use abroad of publishers or producers of public information media for non-U.S. audiences does not require approval by the Deputy Director for Operations even though such activities may have some unintended and unsolicited fallout in the United States.

(2) Approval by the Deputy Director for Operations is also required prior to the operational use of journalists, newspaper, TV, radio, or news service correspondents or stringers, and employees of news media including TV and radio stations whenever the individual is a U.S. citizen or when the news medium involved is under U.S. ownership or control.

b. *CARE Employees*

It is DDO policy to avoid operational use of employees of the CARE organization including indigenous employees. Exceptional individual cases involving priority operational objectives will be considered on their merits. Prior approval by the Deputy Director for Operations will be required in all cases.

c. Individuals Engaged in Public Relations Activities (see DOI 50-18)

Individuals engaged in public relations activities which in any way have or seek to have an influence on public opinions in the United States are considered to be in a separate sensitive category. In view of the peculiar aspects of public relations activity including the special requirements of the Foreign Agents Registration Act, approval by the Deputy Director for Operations is required prior to the operational use in a public relations capacity of any individual who is engaged in public relations activities and who is located in or operating into the United States.

d. *Officials, Representatives, or Employees of Communist Countries in the United States* (see DOI 60-11)
Prior approval of the Director or the Deputy Director for Operations is required for operational contact in the United States with or operational use of officials, representatives, or employees of the USSR, its satellite countries, Communist China, or any other country under Communist control. If, while in the United States, such individual is to be investigated, approached for recruitment, or contacted for operational purposes, the prior concurrence of the FBI will also be required in accordance with paragraph 6.b., above.

e. *Delegates or Employees of the United Nations*
It is DDO policy that the operational use of delegates or employees of the United Nations, including those of its various main organs and of its related intergovernmental agencies, is of such sensitivity as to require special consideration by the Deputy Director for Operations. In especially worthwhile cases wherein operational use of a particular UN individual is deemed essential for the accomplishment of the DDO mission, approval may be obtained. In each case involving a non-U.S. citizen assigned in the U.S. or a U.S. citizen wherever assigned, the prior approval of the Deputy Director for Operations will be required. (See paragraph 8.b. regarding use of non-U.S. citizen delegates or employees not assigned in the U.S.) If, while in the United States, the UN individual is to be investigated, approached for recruitment, or contacted for operational purposes, the prior concurrence of the FBI may also be required as outlined in paragraph 6.b., above.

f. *Staff Members or Officials of Red Cross Societies*
The operational use of staff members or officials of the International Red Cross or its affiliated national Red Cross, Red Crescent, or other equivalent societies requires special consideration and prior approval by the Deputy Director for Operations. DDO elements should make every effort to avoid the operational use of staff members or officials of Red Cross societies. However, when especially high priority objectives are at stake and alternative agent assets are not available, approval for the use of such individuals may be granted by the Deputy Director for Operations.

g. *Officials of the Vatican State*
Operational contact with officials of the Vatican State will be made only with the prior approval of the Deputy Director for Operations. Operational use of Vatican officials will be contingent on prior approval by the Deputy Director for Operations.

h. *U.S. Government Funded Professors, Lecturers, Students or Grantees*
U.S. or foreign professors, lecturers or students, and other persons participating in U.S. Government-sponsored academic, cultural, athletic or other

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OPERATIONS-GENERAL
4 September 1973

exchange programs (except certain Fulbright grantees—see paragraph 5.b., above) are considered to be in a separate sensitive category. Operational use of such individuals while they are actively participating in an exchange program funded by the U.S. Government requires special consideration and approval by the Deputy Director for Operations prior to such use. In certain especially worthwhile cases wherein the operational use of a particular U.S. Government supported exchangee is considered essential to the accomplishment of the DDO mission, the Deputy Director for Operations may grant approval. Memoranda requesting such approval will be forwarded through the Chief, Foreign Resources Division. In such cases the Deputy Director for Operations will determine whether or not to seek the concurrence of the U.S. Government sponsor.

i. *Members of Educational or Private Voluntary Organizations*

(1) It is U.S. Government policy that no federal agency shall provide any covert financial assistance or support, direct or indirect, to any of the nation's educational or private voluntary organizations. This policy applies to all foreign as well as domestic activities of such organizations. In compliance with the above proscription, DDO policy requires the most careful scrutiny of all cases involving operational contact with U.S. educational or private voluntary organizations including trade and professional organizations. The operational use of any employee, staff member or official of such an organization requires prior approval by the Deputy Director for Operations. The Deputy Director for Operations will determine whether or not to seek extra-Agency approval for the conduct of such operations.

(2) Operational use including covert funding abroad of foreign-based international voluntary organizations and the personnel thereof is permitted even if the organization is also funded by U.S. private voluntary organizations.

j. *Officials or Employees of the African-American Institute*

Operational use of the officials or employees of the African-American Institute requires prior approval of the Deputy Director for Operations. Contacts with such individuals which DDO officers are obliged to make in their cover capacities will not involve operational matters until the approval of the Deputy Director for Operations has been secured.

k. *Volunteers to America*

Operational use of or operational contact with members of Volunteers to America while they are on assignment in the United States will not be made without the prior approval of the Deputy Director for Operations. Volunteers to America are participants in programs established by various foreign countries in collaboration with the Department of State as a

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counterpart to the U.S. Peace Corps. Such volunteers are sent to the U.S. for a period of service in schools and community development programs. The name of the organization may vary by country.

8. OPERATIONAL USE REQUIRES APPROVAL BY CHIEF OF AREA DIVISION

Operational use of any individual in the categories listed in this paragraph is considered of such sensitivity as to require special consideration and approval by the appropriate Area Division Chief. This authority may not be delegated. The request for approval will be by memorandum in which the individual's covert approval status will be described, together with a concise explanation of the intended operational use.

a. *Citizens or Alien Residents of the U.S. Used in Denied Areas* (see DOI 50-19)

The operational use in denied areas of U.S. citizens, or of aliens who have been admitted for permanent residence or have resided for a prolonged period in the U.S., requires the prior approval of the Chief of the Area Division under whose jurisdiction the intended use is to take place.

b. *Non-U.S. Citizen Delegates or Employees of the United Nations not Assigned in the U.S.*

The operational use of non-U.S. citizen delegates or employees of the United Nations who are not assigned in the U.S. requires the prior approval of the Chief of the Area Division under whose jurisdiction the intended use is to take place.

c. *Members of the Academic Community*

(1) Within the context of this instruction a member of the academic community is defined as: any student, faculty member, administrative officer or staff official of a college, university or similar institution of higher learning including their associated research centers. Persons associated with institutions such as police or military training centers (except the four college-level military service academies) or undergoing specialized technical training with business or commercial firms are not considered to be members of the academic community.

(2) Operational use of members of the academic community, especially those cases wherein an individual is to be made witting of Agency interest, will be on a highly selective basis. Each case will be examined to ascertain its essentiality to the DDO mission in terms of the price of possible disclosure, and to ensure that proper security procedures can be observed. When it has been determined that the operational use of a member of the academic community as defined above is

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operationally feasible and without suitable alternative, prior approval in the following cases will be obtained as indicated below:

(a) Any U.S. citizen who is a member of the academic community and who is associated in any way with any U.S. or foreign college, university or similar institution of higher learning;

(b) Any non-U.S. citizen who is a member of the academic community and who is associated in any way with any U.S.-owned or U.S.-affiliated college, university or similar institution of higher learning which is located either in the United States or abroad.

If the individual is located in the United States, approval will be requested by memorandum to the Chief, Foreign Resources Division. The memorandum will include a statement that the individual is, or is not, a DCD asset or contact, and in the event he is will include the concurrence of the Chief, Domestic Collection Division. If the individual is located outside the United States, approval will be requested by memorandum to the Chief of the Area Division who has jurisdiction over the area concerned. Operational use of foreign members of the academic community who are not associated in any way with U.S.-owned or U.S.-affiliated institutions of higher learning is also considered sensitive. The operational use of such individuals also requires the approval of the Chief of the Area Division. In any case involving a well known person or having special security implications, the Division Chief to whom the request is referred under the above provisions will consult with the DDO and obtain the latter's approval.

(3) The provisions of paragraph (2) do not apply to Domestic Collection Division contacts with members of the academic community but such contacts are subject to the following requirements:

(a) If a member of the academic community would be asked to perform an operational task or to alter his normal pattern of activity in order to serve Agency purposes, prior approval of the Chief, Domestic Collection Division is required. Additionally, if such an individual will be in a foreign area, the concurrence of the Chief of the Area Division concerned will be obtained.

(b) Prior concurrence will be obtained from the appropriate Area Division Chief if an individual is to be utilized in a politically sensitive area where his presence or activities could potentially embarrass the interests of the U.S. Government.

(c) The requirements of paragraph 8.a. apply if a citizen or alien resident of the United States would be used in a denied area.

(4) At the end of each calendar year, Chiefs of Divisions will submit a report to the Deputy Director for Operations (via Chief, Foreign Resources Division) on the number of individuals recruited from the

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academic community during that year. This audit will permit the DDO to keep abreast of major quantitative changes in the number of potentially sensitive operational cases in each Division.

(5) It should be noted that the provisions of this paragraph do not apply to DDO employees who wish to study or teach privately. Approval for such activity will be obtained in accordance with the provisions of HR 10-7.

9. INDIVIDUAL CHANGES OF STATUS OR CATEGORY

When an individual undergoes a change of status which places him in one of the restricted categories described above, or transfers him from one category to another, his operational use or continued operational use is contingent upon approval or reapproval as prescribed for his new status.

10. INTERPRETATION OR MODIFICATION OF RESTRICTIONS

Certain of the policy restrictions described in this instruction are subject to interpretation, extension or modification by the Deputy Director for Operations depending on the conditions and the atmosphere for DDO operations at any particular time. Especially when dealing on the edges of policy rulings and within the guidelines set forth herein, particular heed should be paid to the price of disclosure, including careful consideration of the sensitivities of the individuals involved. When there is any doubt concerning the application of these restrictions, guidance should be obtained from the Deputy Director for Operations.

William E. Nelson
Deputy Director for Operations

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HQ. INSTRUCTION SHEET 733

REMOVE			INSERT			EXPLANATION
REG. NOS.	PAGE NOS.	DATE	REG. NOS.	PAGE NOS.	DATE	
HR 20	iii 125-127	2/6/73 3/9/64	HR 20	iii 125-127	2/23/73 2/23/73	Paragraph 53 is revised to redefine categories of contract personnel. Minor revisions are made to update the paragraph.
	128	6/16/70		128-131	2/23/73	Former paragraph 54, Procurement Contracts for the Services of Individuals, is renumbered 55 with no change in text. New paragraph 54, Agents, is added to establish authorities and responsibilities for the management of agents and to clearly distinguish between agents and contract personnel.
HN 20-129		3/9/64				Rescinded.

Arrows in the page margin show the locations of the changes described above.

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CONTENTS—Continued

53. CONTRACT PERSONNEL. This paragraph sets forth policy, authorities, and responsibilities concerning the management of contract personnel. It does not apply to consultants (see HR 20-52), to personal services acquired through industrial or procurement contracts (see HR 20-55), to personnel employed by proprietary projects (see HR 230-8), or to agents (see HR 20-54).

a. **GENERAL.** There are two categories of contract personnel: contract employees and independent contractors.

(1) CONTRACT EMPLOYEES. Although they are not appointed employees, contract employees are employees of the U.S. Government. They have all the rights and privileges granted by law to U.S. Government employees in accordance with their citizenship status as well as those rights and privileges specified in their contracts. They work under supervised conditions and are compensated on a salary basis. Contract employees are grouped into three categories:

(a) **Career Associate (Type C) Contract Employees:** Contract employees who perform duties, usually of a clandestine and operational nature, on a career basis. They are normally required to demonstrate their operational value to the Agency for not less than three years, in the case of U.S. citizens, or not less than five years, in the case of foreign nationals, to qualify for career associate status. When it is necessary for a career associate to have the staff-type access to an Agency installation or classified information, he must meet the same security approval criteria as a staff employee.

(b) **Internal (Type I) Contract Employees:** Contract employees, engaged for a specific period of time, who normally work inside Agency installations. They are required to meet the same security approval criteria as staff employees, but are permitted only such access to classified information as is authorized in their security approval and is required in the performance of their duties.

(c) **External (Type E) Contract Employees:** Contract employees, engaged for a specific period of time, who normally work outside Agency installations. They are not required to meet the same security approval criteria as staff employees and are not permitted the same access to Agency installations as staff employees or internal contract employees. They are permitted only such access to classified information as is authorized in their security approval and is required in the performance of their duties.

(2) INDEPENDENT CONTRACTORS are not employees of the U.S. Government. They are self-employed individuals who are engaged under contract to provide specific services. They receive only the compensation and benefits considered necessary to retain their services. In the Operations Directorate, their duties are normally limited to historical research and analysis and to the direction, utilization, spotting, or support of agents. They normally do not carry out espionage or covert action tasks. (Care must be taken to distinguish between independent contractors, defined herein, and agents, defined in HR 20-54.)

b. **POLICY**

(1) Contract personnel may be engaged when

(a) it is necessary to provide for operational or support needs which cannot be met through the use of available staff personnel;

(b) services are required of particularly well-qualified individuals who cannot meet all requirements for staff employment;

(c) there is a requirement to meet operational needs without obligating the Agency to long-term employment;

(d) the nature of the mission for which the individual is being engaged precludes his being subject to administrative control or working specifically defined hours;

(e) the individual's primary employer or interest is not the Agency and the services the Agency desires from him are supplementary to his primary interest or vocation; or

(f) there is a long term requirement for personal services which, for operational or security reasons, cannot be performed by Agency staff personnel.

(2) The engaging of contract personnel is subject to the following restrictions:

(a) New contracts, contract renewals, and contract amendments for individuals under current or anticipated nonofficial cover, must have prior approval of the appropriate component of the Operations Directorate.

(b) Contract personnel may be engaged only for approved activities for which funds have been made available. Funds for these activities will be budgeted annually and will not exceed limitations imposed by the head of the component concerned.

(c) Contract employees are subject to directorate manpower controls and ceilings established by the Director of Central Intelligence during the annual budgetary review cycle. Independent contractors are excluded from ceiling controls.

(d) Contracts will, whenever possible, be written and signed. However, when special security or operational factors prevent the execution of a formal written contract, a memorandum in lieu of such a contract may be prepared to document the commitments and obligations of the Agency and the individual.

(d) Appropriate security or operational approvals will be obtained before any contractual commitments are made to individuals and before any disclosure to them of classified information.

(f) No commitments relating to the use of the services of an employee of another Government agency will be made without prior approval of the Operating Official or Head of Independent Office concerned and the Director of Personnel.

(g) No commitments will be made to contract personnel that appointed employment status will be offered at the conclusion of or during any period of their contract service, without prior approval of the Director of Personnel and the Director of Security.

(h) Contract employees must meet Agency medical standards prior to the approval and authentication of their contracts. A psychological assessment and psychiatric evaluation of those contract employees in whom the Agency may have more than a short-term interest will be carried out whenever feasible.

(i) Independent contractors are normally not required to meet Agency medical standards; however, if their contract contains any provision which obligates the Agency to provide medical or disability benefits, a satisfactory medical examination is required, to include a psychological assessment and psychiatric evaluation, if necessary.

(j) Contract personnel candidates whose employment with the Agency cannot be acknowledged must be provided adequate cover and an appropriate cover legend. This requires that legal entitlements and other contractual benefits be provided and tax liabilities satisfied in a manner consistent with the character of the cover and cover legend.

(k) Although staff employees are expected to sever active connections with the Agency upon retirement, there may be instances in which continuation in service under contract after retirement is necessary or clearly in the best interests of the Agency. The use of retired annuitants under contract is governed by policies specified in HR 20-13.

(l) Not used.

(m) Contracts providing for basic compensation at a rate which, if projected on an annual basis, would exceed the maximum annual rate for a GS-15, will not be executed without the approval of the Director of Central Intelligence. All such requests will be forwarded through the Director of Personnel for his recommendation.

c. RESPONSIBILITIES

(1) THE DIRECTOR OF PERSONNEL will

(a) formulate contract personnel management policies and procedures and provide guidance in improving the effectiveness and flexibility of the program within the Agency;

(b) monitor contract personnel management to assure consistency among the directorates while giving due regard to their differing needs;

(c) provide a repository for sensitive suitability information using the guidelines for special files set forth in HR 20-30b(4);

(d) approve and authenticate contracts;

(e) monitor contract employee ceiling authorizations established by the Director of Central Intelligence;

(f) maintain computer-based records on contract personnel and ensure currency and accuracy of input and output data.

(2) THE DIRECTOR OF SECURITY will

(a) establish standards and procedures for granting security approvals which meet the Agency's contract personnel requirements;

(b) grant security approvals for the use of contract personnel including their access to classified information and Agency installations;

(c) ensure currency and adequacy of security approvals by making periodic reviews and reevaluations;

(d) provide a repository for all security information pertaining to contract personnel.

(3) THE CHIEF, CENTRAL COVER STAFF will

(a) provide cover and cover legends for contract personnel whose employment by the Agency cannot be publicly acknowledged;

(b) ensure currency of such cover and cover legends by making periodic reviews and reevaluations;

(c) ensure that the methods of providing legal entitlements and contractual benefits and satisfying tax liabilities are consistent with assigned cover and cover legends.

(4) THE DIRECTOR OF MEDICAL SERVICES will

(a) establish standards and procedures for medical and psychiatric evaluations and for psychological assessment of contract personnel;

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(b) make periodic reviews and medical reevaluations of contract personnel when requested to do so.

(5) DEPUTY DIRECTORS AND HEADS OF INDEPENDENT OFFICES will ensure directorate uniformity of contract administration in matters such as qualifications determination, compensation, allowances and other benefits, personnel record keeping, systematic cost accounting, performance evaluations, cover determination and training, terminations, and security and medical approval processing requirements.

(6) THE DIRECTOR OF TRAINING will provide appropriate training courses and facilities for contract personnel.

(7) THE DIRECTOR OF FINANCE will

(a) administer pay, leave, and allowance entitlements of contract personnel consistent with contract provisions and cover requirements;

(b) in coordination with the Covert Tax Board, administer a secure system for the settlement of Federal income tax and social security tax obligations.

d. AUTHORITIES

(1) The Director of Personnel, his Deputy, and the Special Contracting Officer (Chief, Contract Personnel Division) are, upon request of a Deputy Director, an Operating Official, Head of Independent Office, or a duly appointed contract approving officer, authorized to execute, amend, renew, and terminate contracts with contract personnel.

(2) Deputy Directors and Heads of Independent Offices may designate Contract Approving Officers to approve contracts when payment is to be charged against funds under their control.

(3) Authority delegated to Chiefs of Station and Base under the provisions of FR 20-31 is subject to the following limitations:

(a) All contracts executed in the field will be subject to review by the Director of Personnel.

(b) Deputy Directors may limit the exercise of the authority granted to chiefs of field installations to any extent they deem desirable.

(c) Contracts prepared by headquarters will be amended only by, or with the prior approval of, headquarters. Contracts executed in the field may be amended in the field, but all such amendments must be forwarded to headquarters.

(4) All contracts written under the authority of this regulation will be subject to legal review by the General Counsel under such conditions as he may prescribe.

e. PROCEDURES. Requirements and procedures concerning personnel records, personnel actions, security approvals, cover, cover salary, medical evaluations, compensation, qualifications determination, training, and processing of contracts, are set forth in HHB 20-12.

54. AGENTS. This paragraph sets forth policy, responsibilities, and authorities concerning the engagement and the management of agents.

a. GENERAL. Agents are witting manpower assets, unique to the Operations Directorate, who carry out espionage and covert action tasks on behalf of the Agency. Agents are not employees of the U.S. Government. They are self-employed individuals whose services may be acquired or terminated at any time. Care must be taken to distinguish between agents, defined herein, and independent contractors, defined in HR 20-53a(2).

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b. POLICY

(1) Agents cannot claim rights and privileges normally granted to U.S. Government employees; therefore, they will not be managed in accordance with normal personnel and administrative standards.

(a) Initial approval of the Counter Intelligence Staff is required before any commitments are made or any classified information is disclosed to an agent.

(b) Agents will receive compensation, benefits, and emoluments in amounts and a manner deemed best by the Operations Directorate to motivate and control them, subject to the following limitations:

(1) No commitment may be made to an agent to provide gross compensation (basic compensation, additional compensation, fees, etc.) at a rate which, if projected on an annual basis, would exceed the maximum rate for a GS-15, without prior approval of the Director. This limitation applies only to payments made by the Agency. It does not apply to bona fide cover income.

(2) No commitment may be made to an agent to provide special benefits, without the prior approval of the Director of Personnel. Special benefits are Agency obligations other than basic compensation, normal overseas cost of living payments, and travel or operational expenses.

(3) No commitment may be made to an agent that appointed status will be offered at the conclusion of his service unless such commitment has been recommended by the Deputy Director for Operations or his designee, with the concurrence of the Director of Security, and has been approved by the Director of Personnel.

(c) Engagement of agents will not be subject to Agency personnel ceiling controls.

(d) In general, agents will not be required to meet Agency medical standards. However, if an agreement with an agent obligates the Agency to provide medical or disability benefits, a medical examination will be carried out, unless precluded by security considerations.

(e) Agents who are U.S. citizens, resident aliens, or foreign nationals in the United States, must pay Federal tax on all income derived from their association with the Agency. Procedures for satisfying Federal tax liability will be determined by the Covert Tax Board. (See HR 20-35.)

(f) The use of retired civilian annuitants of the U.S. Government as agents will be governed by policy set forth in HR 20-13.

(2) All commitments made or implied to agents will be recorded in either a Formal Agreement or a Memorandum of Oral Commitment.

(a) A Formal Agreement is a written agreement, signed by the agent and an authorized Agency representative. Formal Agreements will be negotiated whenever operationally feasible.

(b) A Memorandum of Oral Commitment is a written record of an agreement, signed by an authorized Agency representative but not by the agent. Use of Memorandums of Oral Commitment will be limited to those cases when it is in the Agency's best interest not to solicit an agent's signature on a Formal Agreement.

(c) An agent will never be given a copy of the Formal Agreement or Memorandum of Oral Commitment.

c. RESPONSIBILITIES AND AUTHORITIES

(1) The Deputy Director for Operations is authorized to

(a) formulate procedures for the engagement and management of agents and to issue operating directives and special instructions, as necessary, to control the use of agents by headquarters and field units;

(b) execute, amend, renew, and terminate Formal Agreements and Memorandums of Oral Commitment with agents; and to review Formal Agreements and Memorandums of Oral Commitment executed in the field;

(c) suspend procedures implied in this regulation upon his personal determination that operational and security aspects of an agent's management are so sensitive as to require processing through special channels.

(2) The Director of Personnel is authorized to

(a) approve, after coordinating with affected Agency components, the commitment to an agent that he will receive special benefits;

(b) approve the commitment to an agent that he will be offered appointed status at the conclusion of his service, when such commitment has been recommended by the Deputy Director for Operations or his designee, with the concurrence of the Director of Security;

(c) execute, amend, renew, and terminate Formal Agreements and Memorandums of Oral Commitment when requested to do so by the appropriate Operations Directorate approving officer. This authority may also be exercised by the Deputy Director of Personnel and the Special Contracting Officer, Office of Personnel.

(3) All Formal Agreements and Memorandums of Oral Commitment written under the authority of this paragraph will be subject to legal review by the General Counsel under such conditions as he may prescribe.

55. PROCUREMENT CONTRACTS FOR THE SERVICES OF INDIVIDUALS

a. POLICY. Procurement contracts whose basic purpose is to obtain the services of one or more individuals, negotiated with profit and nonprofit institutions, associations, partnerships, proprietorships, and other organizations, are permitted only when the particular services sought cannot be obtained in any other practicable way.

b. PROCEDURES

(1) Except as provided in subparagraph b(3) below, all proposals for such procurement contracts and their renewal must be justified in writing by the component seeking the services and be submitted to the Director of Personnel for his approval before commitments are made or negotiations started. These proposals will describe in some detail the services to be rendered, the qualifications required, the proposed duration of the task, and the reason or reasons why a procurement contract is judged to be the best method of acquiring the needed services.

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(2) The Director of Personnel will ascertain whether any staff or nonstaff personnel are available to perform the needed services. If not, he will examine the feasibility of satisfying the requirement by hiring new personnel. If this latter course of action also proves impracticable, the Director of Personnel will approve the proposal and return it either to the Office of Logistics or to the originator for subsequent submission of a contract request to the appropriate procurement unit. Procurement contracts are written under the authority of the Director of Logistics as stated in HR 45-2.

(3) The approval of the Director of Personnel is not required

(a) for procurement contracts involving the services of individuals incidental to research and development or the preparation of studies or reports, where the fee reflects an end product (a report written, a task performed, etc.) rather than a computation based mainly on time (per hour, per man year);

(b) for procurement contracts involving the purchase of equipment which requires the services of experts or technicians in delivery, installation, testing, initial operation or maintenance, training, etc. However, any follow-on contract for services only—such as maintenance or operation—requires the Director of Personnel's prior approval as set forth above.

c. RESTRICTIONS

(1) Operating Officials are responsible for monitoring all personnel acquired through these procedures. They will ensure that such personnel are properly briefed and thoroughly understand any limitations on their access to Agency information and buildings and other pertinent security restrictions. Operating Officials are required to advise appropriate offices at any time the relationship or use of such individuals is subject to a change which affects the terms of their contractual arrangements, their status, or security clearances.

(2) Technical representatives and other types of personnel engaged under procurement contracts or other agreements which do not create a direct employer-employee relationship are prohibited by law from holding formal organizational positions or positions requiring the exercise of any administrative authority. They are also prohibited from formally representing the Agency in meetings with representatives of other Government agencies, private industry, or foreign governments or industries.

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